IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 132 OF 2006
IN
CRIMINAL APPLICATION NO.4683 OF 2003

WITH

CRIMINAL APPLICATION NO.133 OF 2006
IN
CRIMINAL APPLICATION NO.4683 OF 2003

Shri Kishoremal Bhabutmal Jain. ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondent

Shri A.H.H. Ponda for Applicant.
Shri S.U. Gajre, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 7, 2006

P.C. :-

. This is an application for condonation of delay in filing the application for restoration of Criminal Application No.4683/2003 which was dismissed for default.

2. The main Criminal Application No.4683/2003 was filed seeking an order of cancellation of anticipatory bail which was granted to the respondent.

3. It is submitted that the respondent is absconding since last four years and though non-bailable warrant was issued by this Court, the said warrant could not executed since the respondent is absconding and is not being traced.

4. In my view, since according to the applicant the respondent is absconding since last four years, no useful purpose would be served by issuing rule on the application filed by the applicant for condonation of delay and for restoration of the main application. Both these applications can be disposed of by granting liberty to the applicant to make a fresh application for cancellation of anticipatory bail which was granted to the respondent after he is traced by the police or by the applicant.

. Application is disposed of in the above terms.

(V.M. Kanade, J.)